

To: Honorable Chairperson and

Members of the Planning Advisory

Board

Date: January 10, 2005

From: Pedro Velar, Assistant Director

Incorporation and Annexation

Subject: Fontainebleau Area Proposed

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Incorporation

SUPPLEMENTAL INFORMATION

On October 18, 2004, the Planning Advisory Board deferred making a recommendation pending receipt of additional information from the Incorporation and Annexation Services Division which included a comparison of other municipal budgets with Fontainebleau's budget, the fiscal year 2003-04 Police budget for Fontainebleau, and the calendar year 2003 Miami-Dade Fire Department calls for service for the Fontainebleau area. This report includes the requested information presented in three (3) new attachments. Attachment A is the comparison of other municipal budgets with Fontainebleau's budget, attachment B is the fiscal year 2003-04 Police budget for Fontainebleau, and attachment C is the calendar year 2003 Miami-Dade Fire Department calls for service for the Fontainebleau area. Additionally, the Miami-Dade Police Department calls for service for Fontainebleau were 9,713 for the calendar year 2003 and 9,599 for the calendar year 2002.

BACKGROUND

The Fontainebleau Area Municipal Advisory Committee (MAC), a group of Fontainebleau-area residents appointed by the Board of County Commissioners, was created under the sponsorship of Commissioner Souto to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that Fontainebleau is incorporated as a municipality. The group met for fifteen (15) months with the support of County staff, to complete its charge assessing the fiscal feasibility and desirability of incorporating the area into its own municipality.

The Fontainebleau area is required by County Code to remain in the Miami-Dade Fire-Rescue District, the Miami-Dade Public Library System, the County's solid waste collection system and continue to receive and pay for specialized law enforcement services from the Miami-Dade Police Department in perpetuity and to contract with the County for local patrol police services for a minimum of three years. The Conceptual Agreement between the County and the Fontainebleau MAC addresses these issues and establishes the terms under which the area may proceed with incorporation. Pursuant to Ordinance number 03-109, the Fontainebleau MAC's responsibilities terminated upon the submission of its report.

INCORPORATION REPORT

The County Code, Section 20-23(b) and Section 20-30(b) contain a set of guidelines that the Boundaries Commission, the Planning Advisory Board, and the County Commission are to consider in developing their recommendations and actions on an incorporation proposal. These guidelines were developed with the intent of assuring both that the proposed new city is fiscally viable and that the potential negative impact of the creation of the new city on the remaining unincorporated municipal service area (UMSA) is minimized.

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This report provides the information required by the Miami-Dade County Code.

SUMMARY OF PETITION

The petitioners have stated that they wish to form a new municipality for the following reasons:

- to increase and improve the level of public safety;
- · to improve local parks and recreation services;
- to improve public area maintenance;
- · to improve other basic public services;
- to improve the process of development regulation; and
- to provide for enhanced public participation in local government.

PROFILE OF THE AREA

The estimated 2000 population of the area is 25,448 persons. Table 1 reports selected demographic and economic characteristics of the area. Overall, compared to the County as a whole, the median household income and the per-capita income of the Fontainebleau area are lower. The population in the Fontainebleau area is predominantly of Hispanic origin with very few blacks, non-Hispanic residents.

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Table 1
Social and Economic Characteristics
Fontainebleau MAC Area and Miami-Dade County

Fontainebleau MAC Area and Miann-Dade County						
	Fontainebleau N	Miami-Dade				
Population Characteristics, 2000	25,448	2,253,362				
Percent White, Not Hispanic	11.3	20.7				
Percent Black, Not Hispanic	1.3	19.0				
Percent Other, Not Hispanic	3.5	3.0				
Percent Hispanic Origin	83.9	57.3				
Income						
Median Household Income	\$33,654	\$35,966				
Per-capita Income	\$16,116	\$18,497				
Housing						
Percent Owner Occupied	45.1	57.8				
Percent Single Unit detached	4.0	42.7				

Source: U.S. Census Bureau, Miami-Dade County Department of Planning and Zoning, 2004.

Table 2, provides additional demographic information.

Table 2
Fontainebleau MAC Area
Population by Race & Hispanic Origin
Miami-Dade County, 2000

Total Persons	White Not Hispanic	Black Not Hispanic	Other Not Hispanic	Hispanic Origin Any Race
	806	40	128	7,992
	1,697	239	659	9,600
4,287	381	43	101	3,762
25,448	2,884	322	888	21,354
100%	11.3%	1.3%	3.5%	83.9%
	8,966 12,195 4,287 25,448	Persons Hispanic 8,966 806 12,195 1,697 4,287 381 25,448 2,884	Persons Hispanic Hispanic 8,966 806 40 12,195 1,697 239 4,287 381 43 25,448 2,884 322	Persons Hispanic Hispanic Hispanic 8,966 806 40 128 12,195 1,697 239 659 4,287 381 43 101 25,448 2,884 322 888

Source: U.S. Census Bureau, Census 2000 Summary File 1, Miami-Dade County Department of Planning and Zoning, 2004.

Development Profile of the Area

Table 3 reports the 2000 land use profile of the area. Residential, roadways/communication, and park and recreation uses comprise approximately 80 percent of the proposed incorporation area.

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Table 3 Fontainebleau MAC Area

2000 Land Uses Miami-Dade Fontainebleau Fontainebleau Miami-Dade County County (Acres) % (%) Land Use (Acres) 6.4 99,385.4 318.1 28.8 Residential 0.9 2.1 13,776.1 22.9 Commercial 17,200.2 1.1 NA NA Industrial 0.8 61.5 5.6 12,950.6 Institutional 787,907.6 50.9 27.8 307.1 Parks/Recreation 26.5 86,065.5 5.6 Roadways/Communication/Utilities 291.8 5.2 80,355.3 0.0 Agricultural 0.0 0.9 135,421.9 8.7 Undeveloped 10.0 20.4 Inland/Costal Waters 91.5 8.3 315,654.7 100.0 100.0 1,548,717.3 1,102.9 Total:

Source: Miami-Dade Department of Planning and Zoning, Research Section, Jan., 2004

GUIDELINES ANALYSIS

The following analysis addresses the factors required for consideration by the Boundaries Commission, Planning Advisory Board and Board of County Commission pursuant to Chapter 20 of the County Code.

- The suitability of the proposed boundaries to provide for a municipal community that is both cohesive and inclusive. Specifically, the area should:
- a) Not divide a Census Designated Place, to the extent feasible.

The proposed incorporation area is entirely located inside the Fontainebleau Census Designated Place (CDP) which is an officially recognized traditional community. However, approval of the proposed incorporation would result in a divided Fontainebleau CDP. Specifically, the easternmost, westernmost and southern portions of the Fontainebleau CDP would remain in unincorporated Miami-Dade County.

 Include adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned.

No adjacent unincorporated areas have a majority of ethnic minority or lower income residents that have petitioned to be in the incorporation area.

c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than (80) percent of its boundary by one (1) or more municipalities and of a size that could not be serviced efficiently or effectively.

The proposed incorporation area is not an enclave nor approval of the proposed boundaries would result in the creation of an enclave.

d) Have natural or built barriers as boundaries, to the extent feasible.

The proposed incorporation area is bounded on the north by State Road 836/Dolphin Expressway, on the east by NW 87 Avenue, on the south by West Flagler Street, and on the west by NW 107 Avenue. The above referenced boundaries are logical and consist of existing features.

2. Is there evidence of support of area residents and property owners sufficient to warrant the costs of balloting of electors?

As required by the resolution establishing the Fontainebleau MAC, three public hearings were held on January 9, 2003, February 20, 2003, and December 18, 2003 to discuss the proposed incorporation of Fontainebleau. The Fontainebleau MAC members took the citizen attendance and comments at the public hearings and regularly scheduled MAC meetings under advisement in making their recommendation.

3. What are the existing and projected property tax costs for municipal-level services to the average homeowner in the area as currently unincorporated and as incorporated as a comparable Miami-Dade County city with a similar per-capita property tax base?

The proposed incorporation area of the Fontainebleau has a per capita taxable value of approximately \$19,891. While the governing body of the proposed Cities in Miami-Dade County with similar per capita taxable values to the proposed incorporation area are found below with their corresponding millage rates:

CITY	PER CAPITA TAXABLE VALUE	MILLAGE RATE
Sweetwater	\$17,093	3.4487
El Portal	\$20,768	8.7
Homestead	\$21,624	8.5
UMSA	\$50,000	2.447
South Miami	\$79,000	6.3730
West Miami	\$35,382	8.4950

The per capita taxable value for the proposed incorporation area at \$19,891 is lower than that for the Unincorporated Municipal Service Area (UMSA), at approximately \$50,000. The millage rate for UMSA is 2.447, substantially lower than the millage rates for comparable municipalities.

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4. Are there any suitable alternatives to incorporation, including incorporation to an existing municipality?

The proposed Fontainebleau incorporation area's southwestern boundary is in common with that of the City of Sweetwater. The proposed incorporation area could be annexed by Sweetwater however the City has not expressed formal interest in doing so.

5. Is the area totally contained in the Urban Development Boundary depicted on the future land use map of the Dade County Comprehensive Development Master Plan?

The entire proposed incorporation area is located inside the 2005 Urban Development Boundary of the County's Comprehensive Development Master Plan (CDMP). The County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the 2005-2015 Land Use Plan Map (LUP)."

Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan.

The future land use designations within the proposed incorporation area are "Business and Office," "Office/Residential," "Low-Medium Density Residential," "Medium Density Residential," and "Parks and Recreation." A brief description of these CDMP land uses follows:

The "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office

designated areas provided that the scale and the intensity, including height and floor area ratio of residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning.

The "Office/Residential" land use designation allows both professional and clerical offices, hotels, motels, and residential uses. Office development may range from small-scale professional office to large-scale office parks.

The "Low-Medium Density Residential Communities" land use designation allows residential uses at a density of 5 to 13 dwelling units per gross acre. The "Medium Density Residential Communities" land use designation allows residential uses at a density of 13 to 25 dwelling units per gross acre. Both residential land use designations may allow activities associated with residential areas such as institutional and recreational uses, water bodies, group homes, hotels and utilities.

The "Parks and Recreation" land use designation includes both private and public lands in park or recreation use.

7. Is the proposed municipality compatible with existing planned land uses and zoning of the areas surrounding the proposed municipality?

The current land uses in the proposed incorporation area are roadway/communication facilities, residential single- and multi-family, commercial, office, institutional and parks. These current uses are consistent with the planned land uses in the Land Use Plan Map of the CDMP. The underlying zoning would also permit consistent development of the area. Planned land uses and zoning within the proposed incorporation area are compatible with the planned land uses and zoning of the area that surrounds it.

8. What is the impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to effectively and efficiently provide services to adjacent remaining unincorporated areas?

County staff conducted a financial analysis to determine the impact incorporation of this area will have on the UMSA budget. As part of this analysis, staff calculated revenues derived from and expenses incurred in the proposed incorporation area. It is estimated that the incorporation of the Fontainebleau area will result in the loss of approximately \$5.42 million in UMSA revenues and a reduction of approximately \$2.7 million in UMSA expenses, for a net loss to the County of approximately \$2.72 million. This means the proposed incorporation of Fontainebleau will have a negative impact on the remaining unincorporated area. The Boundaries Commission should be aware that proposed minimum police staffing is estimated at \$3.6 million which is \$2.2 million greater than the local patrol police figure of \$1.4 million included in the Estimated Revenues and Expenses Impact to the UMSA Budget.

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Finally, County staff has recommended a mitigation payment of \$721,807 from the City to the County which represents 1.501 mills from their assessed 2002 tax rolls.

The figures listed below in the Fontainebleau MAC Estimated Revenues and Expense Impact to the UMSA Budget are calculated using ratios based on the fiscal year 2002 – 2003 budget for each support function to the total direct services budget, which includes Police, Public Works and Parks.

The assumptions do not include; gas tax funded projects, canal maintenance revenues or expenses, proprietary activities such as building, zoning, and solid waste; and fire and library districts. The revenues and expenditures are based on allocations not on actuals.

Fontainebleau on FY 02-03 Budget	Based	Assumptions	
On 1 1 02-03 Budget		CONTRACTOR HOME AND A STREET OF STREET	
2002 Taxable Property Rolls	PROPERTY REPORT DOMESTIC		\$506,193,761
2000 Census Population			25,448
2002-03 UMSA Millage			2.447
Police Calls for Service for 2002		(a)	9,599
Cost per Police Call			\$200
Cost per Lane Mile			\$1,380
Number of Lane Miles		10	29.44
Per Capita Taxable Value			\$19,891
			COLUMB TO STATE
Gross Revenue Loss to UMSA			
Property Tax Revenue		Allocation based on tax roll & millage	\$1,177,000
Franchise Fees		Allocation based on tax roll/population	\$434,000
Sales Tax		Allocation based on \$59 per person	\$1,493,000
Utility Taxes		Allocattion based on tax roll/population	\$1,111,000
Communications Tax		Allocated based on tax roll/population	\$906,000
Alcoholic Beverage License		Allocation based on \$0.21 per person	\$5,000
Occupational License		Allocation based on \$3.17 per person	\$81,000
Fines and Forfeitures		Allocation based on \$6.57 per person	\$167,000
Interest		Allocation based on .53% of all revenues	\$29,000
Miscellaneous Revenues		Allocation based on \$0.80 per person	\$20,000
Gross Revenue to UMSA			\$5,423,000
Cost of Providing UMSA Services		Min	
Police Department		Based on police calls	
		Local Patrol	
		Specialized & Other	
Parks and Recreation Dept Public Works		Based on cost of parks	\$180,371
	ne Road Miles	Lane miles times cost per lane mile	\$40,627
Planning, Team Metro and others		Direct cost times 9.3%	\$198,908
QNIP (Debt and pay-as you-go)		Direct cost times 9.3%	\$250,239
Policy Formulation/Internal Suppo	rt	Direct cost times 5.3%	\$113,356
Cost of Providing UMSA Services			\$2,701,302
			\$2,721,698

Assumptions:

- 1. Does not include gas tax funded projects
- 2. Does not include canal maintenance revenues or expenses
- Does not include proprietary activities: Building, Zoning, Solid Waste
 Does not include Fire and Library Districts
- 5. Revenues are based on allocations not actuals

9. CURRENT SERVICE LEVEL INFORMATION

Background:

The Fontainebleau proposed incorporation area encompasses an approximately 1.72 square miles. The population estimate, based on 2000 census figures, is 25,448.

Police Services

Calls for Service: The Doral District is comprised of 476 grids. The proposed incorporation area is made up of 8 Doral District Grids. The figures below represent calls for service for the Fontainebleau District, versus the proposed incorporation area of the Fontainebleau.

Fontainebleau Proposed Incorporation 2000 2001 2002 10,802 10,551 9,599 Doral District 2000 2001 2002 168,003 176,490 168,272

Based on the aforementioned figures for calendar years 2000, 2001, and 2002, the Fontainebleau area represents 6.4, 5.9, and 5.7 percent, respectively, of the service demands for the Doral District.

Base Staffing: The proposed area of incorporation represents approximately 6 percent of the total calls for service for the district. Based on this percentage alone, minimum staffing requirements for the area would be 25 officers. This staffing level does not account for supervisory or investigative concerns. The following represents minimum staffing levels needed to service the area, providing for viable response times, supervisory, officer safety, and relief concerns:

Base Staffing Level	
Captain	0
Lieutenants	1
Sergeants	5
Officers	25
Detectives	2
Total Sworn	33
Public Service Aid (PSA)	2
Police Crime Analyst (PCA)	1
Police Records Specialist (PRS)	2
Secretary	1
DES	1
Office Support Specialist II (OSS)	1
Total Non-Sworn	8
TOTAL STAFF	41

SHIFT CONFIGURATION

City Commander / Lieutenant (1) Secretary (1)

Days GIU/Admin	Platoon I Midnights	Platoon II Days	Platoon III Afternoon	Relief
Sergeant (1) GIU Detectives (2)	Sergeant (1) Officer (8)	Sergeant (1) Officer (8) PRS (1)	Sergeant (1) Officer (9) PRS (1)	Sergeant (1)
CAU		PSA (1)	PSA (1)	
PCAS (1) DES (1) OSS2 (1)				

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This shift configuration calls for officers on each shift to have different days off to allow for relief coverage. There would not actually be eight officers on any given day providing road patrol coverage.

The aforementioned minimum staffing configurations do not reflect equipment or specialized service concerns. They represent base staffing for the area based on size (square miles), population density, and calls for service.

Final staffing levels will be determined by contract after negotiations with elected officials. However, personnel levels shall not be set below the base staffing levels.

Fire-Rescue Services

Incorporation will have no impact on the remainder of the Fire Rescue District since the proposed municipality will remain in the Fire District. The Fontainebleau MAC has addressed this issue in its conceptual agreement with the County.

Community and Economic Development

The incorporation of the Fontainebleau Area could potentially have an impact on the County's Community Development Block Grants (CDBG) entitlement. Based upon an initial review of the proposed area of incorporation, block groups 90.12.2 and 90.13.3 are low and moderate income block groups which are eligible for CDBG funds.

Consumer Services Department

The proposed incorporation will not have an impact on the department's ability to license and enforce cable TV regulations. The proposed incorporation will continue to be served by the same cable television and telecommunication operators as before.

Telecommunications service providers are required to register with the County only if they have facilities located within the unincorporated area. The purpose of the registration process is to determine users of the County's right-of-way. The new municipality will be responsible for managing its public thoroughfares and therefore companies that have facilities only within the proposed Fontainebleau incorporation area will no longer be required to register with the County.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

Department of Environmental Resource Management

- 1. Services provided by DERM on the subject areas include, but are not limited to:
 - I. Review and approval or disapproval of development orders.

This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- · Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

The department reviews applications for consistency with the requirements of Chapter 24. The review includes but is not limited to the following:

- · Protection of public potable water supply wellfields
- · Potable water supply
- Liquid waste disposal
- Stormwäter management and disposal
- Tree resources preservation and protection
- · Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

II. Operating Permits:

Section 24-35 of the Code Authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide

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variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

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III. Pollution Prevention and Educational Programs:

The DERM Office of Sustainable Environment and Education (OSEE) is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction and environmental education in general. The head of OSEE is Mr. Julio Calle and if you need additional information

IV. Enforcement Activities:

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

regarding these services you may contact him at (305-372-6828).

- Inasmuch as DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated area, the Department currently provides the above services to the subject area. Accordingly, annexation of the parcels in question will not affect our Department's ability to provide adequate levels of service.
- The ability of DERM to provide adequate services to the areas being annexed will not be impaired in any manner by this action nor to the areas adjacent to the parcels being annexed.

The following information is being submitted as relates to Code requirements enforced by DERM. Additionally, we are submitting information concerning wellfields in the area as well as Water and Sewer, Tree Preservation, Wetlands and Stormwater information.

Drainage:

Permitting:

DERM has delegated authority from the South Florida Water Management District for issuance of surface water management general permits under Chapter 40E-40, FAC. Jurisdiction to require a general permit is countywide, and is dependent upon the size of the development. DERM has also countywide permitting authority for the construction of overflow outfall to a body of water. Although some smaller projects may be exempted from drainage permits from DERM, it is still required for DERM to perform an environmental and water quality review for all new drainage system. Usually a tracking system is created by the Municipality to require DERM comments before issuing a construction permit.

Canal issues:

The Miami – Dade County Water Control Plan shows existing Secondary Canals within the proposed incorporation area, in Section 4 -54-40 and in Gov't Lot 4, 53/54-40.

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It is the responsibility of the city to prohibit any construction within the canal reservations, canal easements or canal right-of-ways without the necessary prior approval from DERM.

Furthermore, all secondary canals within the service area of the city will require a canal maintenance agreement between the City and the County. This allows the County's Public Works Department (PWD) to continue its maintenance activities in those canals, and maintain a standard level of service for the city's residents.

Hazardous Waste:

A database search was conducted to identify sites with current or historical contamination issues. The sites listed below were identified:

Permit	Permit #	Facility Name	Address			
IW5	2963	CLEAN LAUNDRY SERVICE, LLC	10686	NW	7	ST
IW5	2729	DRY CLEAN USA	9533	W	FLAGLER	ST
AW	235	FONTAINEBLEAU GOLF COURSE	9155	W	FLAGLER	ST
UT	3795	FONTAINEBLEAU GOLF COURSE	9155	W	FLAGLER	ST

Building Department

The Building Department operates from fees collected by permits, inspections and fines related to the construction and renovation of property. The current permitting activity of the Fontainebleau area represents less than 1% of the permits issued by the Building Department and the associated revenues generated from those permits represent less than 1% of the total Building Department collections. Should the Fontainebleau area incorporate and establish it's own Building Department, the impact to the Miami-Dade County Building Department collection of revenue would be minimal, with no impact to the Department's ability to efficiently and effectively provide services to the remaining Unincorporated areas. On the other hand, should the Fontainebleau area choose to contract with this Department for the permitting services, the Department would continue to provide said services under the same conditions established for the transition period, with no adverse effect to our operations or service levels.

Team Metro

The code enforcement responsibilities of Team Metro will be transferred to the new municipality. Team Metro would be interested in discussing subcontracted code enforcement services within its area of expertise to the new municipality.

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Parks and Recreation

There is one (1) local park within the proposed incorporation boundaries, Ruben Dario Park.

The park will be transferred to the new municipality contingent upon UMSA residents being able to use the park without being required to pay fees for services above those charged to municipal residents. The net annual cost of operating this park is \$180,371 per year.

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There is one (1) countywide park within the proposed incorporation boundaries, The Women's Park. This park will continue to be managed, operated and funded by the County.

Solid Waste

In accordance with Ordinance No. 96-30, solid waste collection service to residential units will continue to be provided by the Department of Solid Waste Management in the same manner as it is currently provided. Accordingly, there would be no impact on the Department's ability to provide waste collection service either to the adjacent or remaining unincorporated service area effectively and efficiently.

Water and Sewer

The proposed incorporated area is within the water and sewer service areas of Miami-Dade Water and Sewer Department (WASD) and service is being provided to portions of the area. Future water and sewer service customers within the incorporated area would receive service from WASD. WASD would own, operate and maintain any future facilities, whether constructed by the City or by private developers. Adequacy and capacity of the County's water and sewer systems are dependent upon the type and timing of the development or redevelopment proposed to occur within the City. The incorporation would have no impact on WASD's ability to provide services to the remaining unincorporated area in the vicinity.

Transit

Miami-Dade Transit is regional and provides services to municipalities as well as unincorporated areas.

Potential Revenue Sources and Facilities to be made available to the proposed municipality upon incorporation.

All the eligible municipal revenues will be available to the Fontainebleau Incorporation Area. It is also anticipated that police services will be made available from the Doral District Station. The park to be conveyed by Miami-Dade County in as-is condition to the proposed municipality of Fontainebleau is Ruben Dario park. The park will be transferred to the newly incorporated city contingent upon UMSA residents being able to continue to use the park without being required to pay fees for services above those charged to municipal residents.

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11. Financial impacts of the incorporation on the remaining unincorporated areas of Miami-Dade County. Does the proposed incorporation fall between \$20,000 and \$48,000 per capita taxable value?

The Fontainebleau Incorporation Area per capita taxable value does not fall between \$20,000 and \$48,000. The per capita taxable value is \$19,891. It is anticipated that there will be no impact to the remaining UMSA should the Fontainebleau Area incorporate.

12. Any other factor that arises by virtue of any special or unique circumstances of a given area.

The existence of several facilities of countywide significance within the boundaries of the proposed incorporation area is a factor that arises as a unique set of circumstances. Facilities of countywide significance are those that are necessary for the coordinated current and future use of lands and development and service delivery throughout the County. The services provided by these resources are needed by the greater community. Therefore jurisdiction over these facilities will be retained by Miami-Dade County. In the proposed incorporation area the following facilities of countywide significance exist:

DEPARTMENT/FACILITY

WATER AND SEWER DEPARTMENT

Regional Pump Station 28 Regional Pump Station 114 Regional Pump Station 121

Regional Pump Station 27

Regional Pump Station 26

Regional Pump Station 113

PARKS AND RECREATION DEPARTMENT

The Women's Park

LOCATION

800 NW 97 Avenue 680 NW 97 Avenue 10450 Fontainebleau Boulevard 9401 Fontainebleau Boulevard 8901 Fontainebleau Boulevard 290 NW 97 Avenue

Flagler Street and 103 Court

13. Will the area, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies?

It is not anticipated that the incorporation will change the eligibility of the Fontainebleau area to avail itself of existing government funded programs, however, the new municipality will be responsible for pursuing such funding independent of the County.

14. Will creation of a new municipality impact public safety response times?

The new municipality will be contracting with MDPD for patrol services for a minimum of three years with a one year transition. Since the personnel assigned to the Fontainebleau Area will be working within the municipal boundaries exclusively, absent a need for mutual aid, response times in the area should be consistent with what they currently are. In general, incorporation of the area is not anticipated to have a significant effect on the County's ability to provide services to the adjacent remaining unincorporated areas.

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The new municipality will also remain in the Fire District.

15. Will creation of a new municipality introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?

It is not anticipated that incorporation of the Fontainebleau area will introduce any new barriers to municipal traffic flow.

16. If the area has been identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the proposed municipality indicated its preparedness to address any extraordinary means that may arise?

The proposed incorporation area is located outside both the FEMA-designated 100-year floodplain and the County's designated evacuation zones.

17. Will municipal government offices and commercial centers be connected by public transportation?

The location of government offices will be determined by the elected municipal officials. However, currently there are four existing transit routes in the area some with connections to Metrorail, Government offices and shopping malls.

18. To the degree possible, would the proposed incorporation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?

The area is contained within the same school district boundaries as the adjoining area. The schools are Charles R. Hadley Elementary, E. W. Stirrup Elementary, John I. Smith Elementary, Ruben Dario Middle, and Miami Coral Park High Schools. As shown in Table 4, the Florida Inventory of School Houses (FISH) utilization rates of Miami Coral Park Senior High, 137 percent, and of John I. Smith, 118 percent, are higher than the acceptable utilization rate of 115 percent.

Schools Serving the Fontainebleau MAC Area					
Schools Serving the Fonta School narles R. Hadley Elementary W. Stirrup Elementary hn I. Smith Elementary aben Dario Middle	Florida Inventory of School Houses (FISH) Capacity Utilization Rate* (Percent)				
Charles R. Hadley Elementary	88				
E. W. Stirrup Elementary	86				
John I. Smith Elementary	118				
Ruben Dario Middle	89				
Miami Coral Park High	137				

^{*} As agreed with the School Board, the acceptable FISH utilization rate by Miami-Dade County is 115 percent until the year 2005. Beyond 2005 the acceptable utilization rate decreases gradually to 100 percent by the year 2015.

Source: Information compiled by the Miami-Dade County Department of Planning and Zoning.

BOUNDARIES COMMISSION

On April 28, 2004 the Boundaries Commission held a public hearing on the proposed incorporation of the Fontainebleau area. The Board members agreed that the incorporation needed to be studied further. The Board members voted unanimously to defer the proposed incorporation for 45 days so that the Fontainebleau representatives could produce evidence of community involvement, statements from the residents, address budget concerns, explore the possibility of annexing to the City of Doral, and consider establishing a special taxing district for the Fontainebleau area. The Board members also voted to have the County Attorney's Office review the possibility of an increase in the level of authority for the Board. One specific recommendation that was mentioned was to withhold an application for one year if the Board did not approve the application.

The Boundaries Commission was scheduled to meet on July 16, 2004 but did not achieve quorum. The meeting was cancelled and rescheduled for September 1, 2004.

On September 1, 2004 the Boundaries Commission held a public hearing on the proposed incorporation of the Fontainebleau area. The Boundaries Commission recommended that the proposed incorporation move forward to the Planning and Advisory Board with three considerations: 1) careful evaluation of the proposed budget (potential increase of millage rate), 2) explore expanding the MAC boundaries, and 3) analyze community participation in the MAC process. The items that prompted the Board to defer the proposed incorporation on April 28, 2004 were not addressed by the Fontainebleau representatives at the September 1, 2004 meeting.

It is estimated that the incorporation of the Fontainebleau area will result in the loss of approximately \$5.42 million in UMSA revenues and a reduction of approximately \$2.7 million in UMSA expenses, for a net loss to the County of approximately \$2.72 million. County staff has recommended a mitigation payment of \$721,807 from the City to the County which represents 1.501 mills from their assessed 2002 tax rolls.

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Following are staff's concerns with regard to the Fontainebleau MAC Pro-forma Budget

Revenues

Building revenue amount is stated at \$25,000 which should correspond to the Building expenses amount because Building revenues can only be used for Building activities.

Expenses

City Manager budget cost of \$286,018 seems very inflated. County staff believes this number could easily be cut in half. This would be a very small city in its infancy. A more conservative budget would be appropriate.

City Attorney budget cost also seems inflated. Again, due to the size of the city it doesn't seem appropriate to have such a high attorney figure.

The General Government budget cost is \$710,162. There is no logical breakdown of the functions for this amount of money.

Building, Planning and Zoning total budget cost is \$676,100. As referenced above, Building revenues must be used for Building expenses. The proposed area of Fontainebleau is 0.9% undeveloped. With such little land to build on it doesn't seem reasonable that Planning and Zoning would be at such a high cost.

Park Land Acquisitions / Capital Improvements is budgeted at \$300,000. The budget already takes into account a Park and Recreation budget amount of \$200,371. There is only one park in the area that the city would be responsible for operating (Ruben Dario). County staff does not see the need for the additional budget amount. Local Option Gas Tax revenues could be used within the city boundaries to aid with capital improvements.

Comprehensive Plan is budgeted at \$125,000. This is a Planning and Zoning function. The MAC has already budgeted for Planning and Zoning.

Honorable Chairperson and Members Planning Advisory Board Page 20

Attachment - Fontainebleau MAC Pro-forma Budget

Attachment - Conceptual Agreement

Attachment - Fontainebleau MAC Resolution

Attachment - Addendum to Report

Attachment - Fontainebleau MAC Map

Attachment - Boundaries Commission Resolution

Attachment A - Municipal Budgets Comparison Sheet

Attachment B - FY 03-04 Fontainebleau Police Budget

Attachment C - Calendar Year 2003 Fire Department Calls For Service

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cc: Alex Munoz, Assistant County Manager David Morris, Director, OSBM Jennifer Glazer-Moon, Director Designate, OSBM

Proposed Incorporation Assumptions Data Sheet

Notice: This "Living Budget" is based upon numerous data sources and assumptions and should not be considered an operational budget to be adopted by the future municipality. The "Living Budget" should be utilized as a tool to determine the financial feasibility of incorporation of the North Central Dade Community.

(per County estimates as of 5/29/2003) (per County estimates as of 5/29/2003) (2.75 persons per unit) (per County information and distribution calculations) (per FY 2002 UMSA Millage Rate)	e ^{res}		9	\$503,910,734 25,448 9,254 29,44 2,447
	(per County estimates as of 5/29/2003) (2.75 persons per unit) (per County information and distribution calculations)	(per County estimates as of 5/29/2003) (2.75 persons per unit) (per County information and distribution calculations)	(per County estimates as of 5/29/2003) (2.75 persons per unit) (per County information and distribution calculations)	(per County estimates as of 5/29/2003) (2.75 persons per unit) (per County information and distribution calculations)

		Rate	Nun	aber of Units	Average	Monthly	Taxable Bill
Utility Taxes Electric**		10%	99	9,254 9,254		8	\$80 \$25
Water**	1	10%		463 (5% of al	l units)		\$20
Franchise Fees Electric** Gas**		6% 6%	¥	9,254 463 (5% of al	l units)		\$60 \$20

Per Assumed County Utility Tax and Franchise Fee Rates

Created on July 16, 2003, modified on November 20, 2003

^{*} Information provided by Miami-Dade County which was not verified by Severn Trent Services and should be verified and/or negotiated by the MAC

Per Assumed County Utility Tax and Franchise Fee Rates

Proposed Incorporation General Fund Summary Fiscal Year 2004

The General Fund is used to account for resources and expenditures that are available for the general operations of city government functions.

2			8			"Living Budget" Calculations	UMSA Estimate 09/23/2002	Difference
		10				· ·		
Revenues	Chate Chattage and Inc	reased by 1	% for 2 years	0	2,447	\$1,194,962	\$1,171,000	\$23,962
Ad Valorem Taxes (at 95% as p	er State Statute and the	Lill - 32 m	anth)	7		\$1,177,086	\$1,110,000	\$67,088
. Utility Taxes (rate x number of	units x taxable monthy	DILL X 12 LIN	otterij		\$888,367			
Electric**					\$277,615			
Water**					\$11,105			
Gas [™]		. b. 117 2.2 -	- the			\$406,428	\$433,000	-\$26,577
Franchise Fees (rate x number of	of units x taxable month	y but x 12 1	monusi		\$399,765			
Electric					\$6,663			
Gas**						5932,832	5905,000	\$27,833
Simplified Communications Ta	X					\$1,909,376	\$1,498,000	\$411,37
Intergovernmental Revenues .					\$5,000			
Alcoholic Beverage Licens	e			+	\$339,660			
State Revenue Sharing (64.	1% of total distribution	1)			\$1,564,716			
Half Cent Sales Tax					\$1,504,710	\$25,000	SO	\$25,00
Building Permits						\$20,000	50	\$20,000
Other Licenses, Fees and Permi	its					550,000	\$81,000	-\$31,000
Occupational License			140		277	\$20,000	520,000	
Charges for Services			33			\$171,285	\$167,000	54,28
Fines & Forfeitures						\$110,603	\$0	\$110,60
Specialized Police Credit						\$34,535	\$29,000	\$5,53.
Interest Earnings (0.5% of Gene	eral Fund revenues) and	dother				\$34,533	\$25,000	
Total Revenues					1	S6,052,106	55,414,000 ·	5638,10
						+	-	
xpenditures						\$45,000	50	\$45,00
City Council	9.5					5286,018	50	\$286,01
City Manager						\$179,150	. SO	\$179,15
City Clerk City Attorney (assumes require		morated m	unicipality)			\$250,000	50	\$250,00
	ements of a newly bloo	Polaten	, ,,			5710,162	50	5710,16
General Government					100	5204,414	\$0	\$204,41
Finance						100000000000000000000000000000000000000		
Police						\$3,500,000	\$1,401,912	\$2,098,08
Local Patrol						\$665,983	\$515,888	\$150,09
Specialized Services	60				\$528,711			
Workload					\$82,956			
Availability	•22		20		\$54,316			2012012
Overhead						\$676,100	\$0	\$676,10
Building Planing and Zoning	and at \$2	50,000				\$125,000	50	\$125,00
Comprehensive Plan (two-yea	process assumed at a	20,000				\$50,000	\$0	\$50,00
LDR Revisions						\$82,590	50	582,59
Public Works Contract Admin	istrator					\$200,371	\$180,371	520,00
Parks & Recreation						\$300,000	\$0	\$300,00
Park Land Acquisions/Capital	Improvements					\$250,239	\$250,239	S
QNIP (debt and other pay-as-)	ou-go]					50	\$312,262	-5312,26
Other						\$50,000	50	\$50,00
Disaster Recivery/Carryforwa	rd Surplus Allowance					\$780,000	\$0	5780,00
Mitigation Payment	4.				a de de			
Total Expenditures						58,355.02n	52,660,672	55,691,76
Total Reserves - Surplus or (D	eficit)					(\$2,302,921)	\$2,753,328	
* Information provided by		Ush sans	not undfind	by Savern	Trent Services a	nd should be ve	rified and/or neg	gotiated
 Information provided by 	Miami-Dade County	which was	not venned	y Severn	Treme and Trees a			
by the MAC						+		
							2.447	
Current UNISA Millage						Ŧ	→ 7.162S	
Millage Rate necessary to	Balance the Budget						53,497,832	
Ad Valorem Revenues G							3.7.47 / APV # 1	

Proposed Incorporation Street Maintenance Fund Fiscal Year 2004



This Fund is used to account for restricted revenues and expenditures associated fuel with taxes and roadway system expenditures respectively. It is customary to segregate activities associated with these restricted revenues in a separate special revenue fund.

		"Living Budget" Calculations	Estimate 09/23/2002	Difference
Revenues Six-Cent Local Option Gas Tax (based on formula currently used by the County) Five-Cent Local Option Gas Tax (based on formula currently used by the County) State Revenue Sharing (35.9% of total distribution)		\$296,841 \$116,067 \$190,231	50 50 50	\$296,841 \$116,067 \$190,231
Total Revenues		6.1 S603.134	· 90	SMIL139
Expenditures Roadway Projects	70	\$603,139	\$40,627	\$562,512
Total Expenditures		Se03.139	540,627	55-2.512

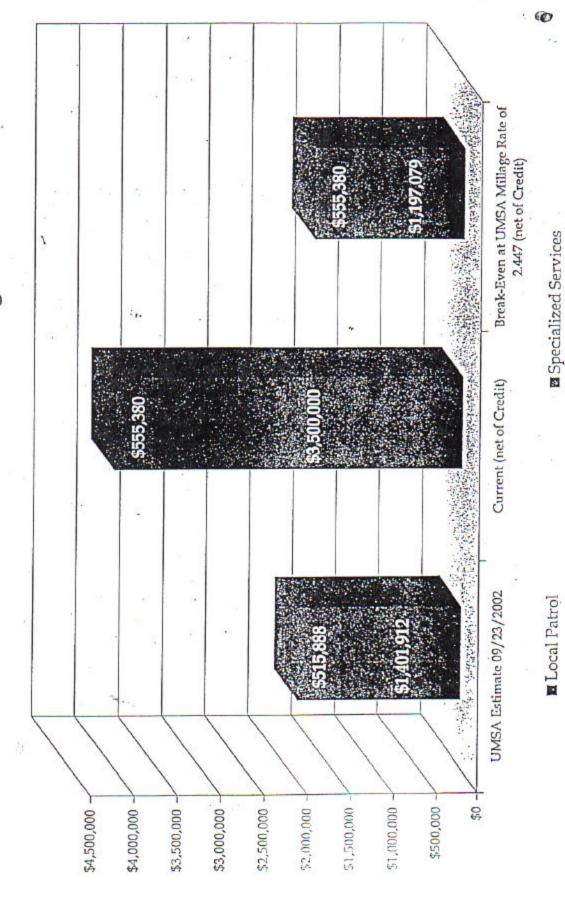
Proposed Incorporation Stormwater Utility Fund Fiscal Year 2004



This Fund is used to account for restricted revenues and expenditures associated with the Stormwater Utility System. This Fund will have to be set up by interlocal agreement and funds will not be able to be collected until a stormwater utility service is established.

				"Living Budget" Calculations	UM5A Estimate 09/23/2002	Difference
Revenues Stormwater Utility Fee (9,254 uni	t ERUs at \$3.00/month)			\$333,137	50	\$333,137
Total Revenues			10	SHIN	50	533,137
Expenditures Stormwater Improvements and S	ervices	* *		\$333,137	\$ 0	\$333,137
Total Expenditures \				wim:		SMIN
Total Revenues All Funds	1,			\$6,988,383	\$5,414,000	
Total Expenditures All Funds	9 29			\$9,291,303	\$2,701,299	
Surplus All Funds	**			-52,302,921	\$2,712,701	

Police Services Cost Changes



Proposed Incorporation General Fund Summary Fiscal Year 2004

		100		
		Calculations* 10/07/2003	UMSA Estimate 09/23/2002	Difference
Revenues		10/07/2003	07/242002	Daretence
Ad Valorem Taxes				*********
· "Living Budget Calculations"	2.4170	\$1,194,962	50	. \$1,194,962
UMSA Rate	2.4470		\$1,171,000	(\$1,171,000)
Utility Taxes (rate x number of units x taxable montly bill x 12 month)		\$1,177,086	\$1,110,000	\$67,086
., Electric*	\$888,367			
Water**	\$277,615			
	\$11,105			
Gas** Franchise Fees (rate x number of units x taxable monthly bill x 12 months)		\$406,428	\$433,000	(\$26,572)
Electric*	\$399,765			
TO 10 10 10 10 10 10 10 10 10 10 10 10 10	\$6,663			
Gas**		5932,832	\$905,000	*\$27,832
Simplified Communications Tax		\$1,909,376	\$1,498,000	\$411,376
Intergovernmental Revenues	\$5,000			
Alcoholic Beverage License State Revenue Sharing (64.1% of total distribution)	\$339,660			
Half Cent Sales Tax	\$1,564,716			
		\$25,000	\$0	\$25,000
Building Permits		520,000	50	\$20,000
Other Licenses, Fees and Permits		\$50,000	\$31,000	(531,000)
Occupational License		\$20,000	\$20,000	\$0
Charges for Services		\$171,285	\$167,000	\$4,285
Fines & Forfeitures	**	\$110,603	\$0	\$110,603
Specialized Police Credit		\$34,535	529,000	\$5,535
Interest Earnings (0.5% of General Fund revenues) and other		10 850868310		
Total Revenues		\$6,052,106	\$5,414,000	\$638,106
TOTAL REPERBER				
Expenditures		\$45,000	50	\$45,000
City Council		\$286,018	50	\$286,018
City Manager		\$179,150	50	\$179,150
City Clerk		\$250,000	\$0	\$250,000
City Attorney (assumes requirements of a newly incorporated municipality)		\$710,162	50	\$710,162
General Government		\$204,414	\$0	\$204,414
Finance		→ \$1,863,062	\$1,917,800	(\$54,738)
Police (Adjusted to Balance City's Budget at County UMSA Millage Rate) -	\$1,197,079			200
Local Patrol				172
Specialized Services	\$665,983	\$676,100	SO:	\$676,100
Building, Planing and Zoning		5125,000	50	\$125,000
Comprehensive Plan (two-year process assumed at \$250,000)		\$50,000	so	\$50,000
LDR Revisions		582,590	50	\$82,590
Public Works Contract Administrator		5200,371	\$180,371	\$20,000
Parks & Recreation		5300,000	50	\$300,000
Park Land Acquisions/Capital Improvements			\$250,239	50
ONIP (debt and other pay-as-you-go)		\$250,239 \$0	5312,262	(\$312,262)
Other			50	\$50,000
Disaster Recivery/Carryforward Surplus Allowance		550,000	50	\$780,000
Mitigation Payment		\$780,000	50	2100,000
			40 f/0 f70	\$3,391,434
Total Expenditures	19 29.7	\$6,052,106	\$2,660,672	337374
	·			(C) 751 2251
Reserve/Deficit		50	\$2,753,328	(52,753,325)

FONTAINEBLEAU MUNICIPAL ADVISORY COMMITTEE REPORT

The following offers a conceptual incorporation agreement for the proposed municipal government of Fontainebleau that addresses area residents' desire for local government and ensures that the remainder of the unincorporated area is not unduly harmed by this action. While many items remain to be worked out in terms of specific implementation measures, this conceptual agreement outlines a framework under which Fontainebleau can proceed with its incorporation process.

Background

The Fontainebleau Area Municipal Advisory Committee, a group of Fontainebleau area residents appointed by the Board of County Commissioners, was created under the sponsorship of Commissioner Souto to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that Fontainebleau is incorporated as a municipality. The group met for ___months with local officials, private government consultants and County staff from various departments.

The following is a conceptual agreement proposed by the Fontainebleau Area Municipal Advisory Committee.

CONCEPTUAL AGREEMENT

Whereas, the boundaries of the proposed municipality of Fontainebleau (hereafter referred to as "proposed municipality") are as follows:

BEGINNING at the Southwest corner of the Northwest 1/4 of said Section 5, said corner also being the intersection of the Center line of West Flagler Street with the Center line of SW 107 Avenue; thence Easterly following the Center line of West Flagler Street, along the South line of the Northwest 1/4 of said Section 5, said line being also the North boundary line of the City of Sweetwater, to the intersection with the Center line of SW 102 Avenue and the Northeast corner of the City of Sweetwater; thence continue Easterly following said Center line of West Flagler Street, along the South line of the Northeast 1/4 of said Section 5, along the South line of the Northwest 1/4 and along the South line of the Northeast 1/4 of said Section 4 and along to the Southeast corner of the Northeast 1/4 of said Section 4, said corner also being the intersection of the Center line of West Flagler Street with the Center line of SW 87 Avenue; thence run Northerly, along the East line of the Northeast 1/4 of said Section 4, following the Center line of SW 87 Avenue; thence run Northerly, along the East line of the Northeast 1/4 of said Section 4; thence continue Northerly following the Center line of NW 87 Ave, along the East line of said Excess Government Lot 4, to the point of intersection with the extended Southerly Limited

Access Right-of-Way line of State Road No. 836 (East-West Expressway Extension) as shown on the Florida State Department of Transportation Right-of-Way Map Section 87200-2521 dated May 17, 1971; thence continue Westerly along said Southerly Limited Access Right-of-Way line of State Road No. 836 and its extension to a point of intersection with the Center line of NW 107 Ave, being also the West line of said Excess Government Lot 5; thence Southerly following the Center line of SW 107 Ave, along the West line of said Excess government Lot 5 to the Northwest corner of the Northwest 1/4 of said Section 5; thence continue Southerly, following the Center line of SW 107 Ave, along the West line of said Section 5 to the Southwest corner of the Northwest 1/4 of said Section 5 and the POINT OF BEGINNING.

Whereas, the Fontainebleau Area Municipal Advisory Committee acknowledges that certain municipal-type services are essential to the health and welfare of its community and the County as a whole,

Whereas, the members of the Committee acknowledge that the proposed municipality will benefit in many ways from the continued unincorporated municipal service area programs, services and activities, and other County administrative and support systems as detailed below,

Whereas, the Fontainebleau area has certain unmet needs that can be addressed by the incorporation of the area into a new municipality,

Now, therefore, the members of the Committee agree to the following:

Section 1. - County Services

The proposed municipality of Fontainebleau will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste Collection system in perpetuity.

The proposed municipality may contract by inter-local agreement with the Department of Solid Waste Management for additional services and, if so desired, the local government may negotiate additional collection schedules and frequency for the proposed municipality. The private trash collection currently in place in the residential and commercial areas of Fontainebleau will continue. The County's Solid Waste Department will provide services to all new residential customers and continue serving existing customers.

The proposed municipal government of Fontainebleau will also contract by inter-local agreement with the Miami-Dade Police Department for an initial three-year period for a specific level of patrol staffing no less than the level of service currently provided. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract (inter-local Agreement) between Fontainebleau and Miami-Dade County. Such contract shall also provide that "the initial three-year period" shall commence

upon the execution of the Local Patrol Contract by all parties. At the end of the three (3) year period, Fontainebleau may elect not to renew the Local Patrol Contract at which point a transition period of no less than twelve (12) months will begin.

The proposed municipality of Fontainebleau shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. Payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between Fontainebleau and Miami-Dade County. These specialized police services include, but are not limited to, tactical central investigations, such as narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, domestic violence, crime scene investigations and property and evidence. Specialized law enforcement services do not include police activities of a countywide nature such as warrants, crime lab, public corruption unit, communications, jail, court services, and all Sheriff's services as defined by state law. For as long as Miami-Dade County continues to fund specialized police services from the countywide budget, taxpayers in Fontainebleau shall receive a credit equivalent to any payment made through the countywide millage.

Whereas, the incorporation of the proposed municipality of Fontainebleau will have an adverse financial impact on the remainder of the unincorporated municipal service area (UMSA),

Now therefore, the members of the Fontainebleau Municipal Advisory Committee agree that the City shall contribute the equivalent of 1.501 mills of municipal property tax revenues after municipal incorporation to the County into a Municipal Service Trust Fund (MSTF). The amount to be paid into the MSTF will be set at a dollar value during the first year of operation of the City of Fontainebleau. This dollar value will be the equivalent of 1.501 mills of property tax revenue based on the preliminary tax roll for the new City of Fontainebleau for that year. That amount (which is approximately \$721,807) will be adjusted annually based on the Consumer Price Index for the Miami area.

The Fontainebleau MAC members understand and agree that the County may convey local parks within the boundaries of the proposed municipality in asis condition. The park that may be conveyed by Miami-Dade County in asis condition to the proposed municipality of Fontainebleau is Ruben Dario Park. Additional terms and conditions regarding the proposed municipality's responsibilities to operate, develop and maintain the conveyed park will be set forth in an inter-local agreement between Miami-Dade County and the proposed municipality of Fontainebleau at the time the park is transferred to the new municipality.

The proposed municipality of Fontainebleau will receive all municipal revenues to which it is entitled, such as, utility taxes. Additionally, the municipality will receive revenues (excluding countywide revenues) that the County by right may otherwise retain, such as franchise fees, provided, however, the municipality will continue to be responsible for its pro rata share of the debt service for the QNIP bond indebtedness and all other bond indebtedness issued in reliance upon municipal revenues from the unincorporated area prior to incorporation, until the bonds are retired or the City pre-pays its portion of the debt service. The municipality will continue to receive all services that are provided to cities under the countywide budget.

The proposed municipality of Fontainebleau will be granted all rights, powers and privileges afforded to all municipalities and provided under general laws of the State of Florida subject only to the restrictions placed upon it by this agreement which will be indicated under a separate charter article entitled "Special Conditions".

In recognition of the fact that the development of a new municipality requires considerable effort and a period of transition during which Fontainebleau can benefit from a strong mentoring relationship with the current service providers and administration, and in recognition of the fact that both Fontainebleau and the County desire to have an ongoing, cooperative relationship, the County will provide municipal assistance to Fontainebleau. This will enable Fontainebleau to receive benefits and services from the County.

During the transition period, these benefits include:

- The ability to take part in training opportunities provided to County staff with no cost over and above any fees charged to County departments.
- The ability to enter into negotiations for other contracting opportunities for services such as preparation of local master plans, utilization of the County's Geographic Information System and other information technology systems, and other services from the County that Fontainebleau may wish to access.

Section 2. - Continuing Obligation as to County Bonds

The County issued Public Service Tax Revenue Bonds, Series 1999 and Series 2002 prior to the City's incorporation, which are currently outstanding in the respective principal amounts of \$71,295,000 and \$55,275,000 (collectively the "PST Bonds"). The PST Bonds are payable from Public Service Taxes (defined below) collected in the unincorporated area and in the municipalities incorporated within the County since July 2, 1996. The County receives Public Service Taxes pursuant to Section 166.231, Florida Statutes, and as of October 1, 2001, from a communications service tax assessed pursuant to Chapter 202, Florida Statutes

and Section 29 of the County Code (collectively, "Public Service Taxes"). Within 30 days of the adoption of the municipal charter, the new city agrees to enact an ordinance, pursuant to Section 166.231, Florida Statutes, authorizing the levy of the public service tax at a rate no less the rate established by the County for electrical water and gas services prior to the incorporation of the city. The new city further agrees immediately following its incorporation to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the communication services tax at a rate no less than the rate established by the County for communications services prior to the incorporation of the City.

The proposed city agrees that, until the PST Bonds have been paid or provision made for their payment pursuant to Article X of Ordinance No. 96-108, enacted by the Board on the July 2, 1996 authorizing the issuance of the PST Bonds, the County shall have the right to receive and apply to debt service on the PST Bonds all of the Public Service Taxes collected in the unincorporated area and within the boundaries of the proposed city. The proposed city's debt service obligation as to the PST Bonds in each fiscal year or portion thereof following incorporation shall be its pro rata share of such debt service obligation. The proposed city's pro rata share of the debt service obligation accruing on the PST Bonds during each fiscal year while the PST Bonds are outstanding will be equal to that percentage of the total debt service accruing on the PST Bonds in such fiscal year calculated by multiplying such total debt service by a fraction the numerator of which will be the total amount of Public Service Taxes collected within the boundaries of the unincorporated area comprising the boundaries of the proposed city during the fiscal year prior to the incorporation of the proposed city and the denominator of which will be the total amount of Public Service Taxes collected in the entire unincorporated area of the County and the municipalities incorporated within the County since July 2, 1996 during the fiscal year prior to the incorporation of the proposed city.

Following the County's reservation of the proposed city's pro rata share of PST Bonds debt service to accrue during any fiscal year, the balance of the Public Service Taxes collected within the boundaries of the proposed city shall be remitted to the proposed city.

The County has issued Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bonds") of which \$38,805,000 remains outstanding, payable from the stormwater utility fees collected in the unincorporated area and within the exempted cities (defined below). The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, and Section 403.0893, Florida Statutes (the "Stormwater Utility Fees").

The proposed city agrees that until the Stormwater Bonds have been paid or provision made for their payment pursuant to Article IX or Ordinance No. 98-187, enacted by the Board on December 15, 1998 authorizing the issuance of the Stormwater Bonds, the County shall have the right to receive and apply to debt

service on the Stormwater Bonds all of the Stormwater Utility Fees collected in the unincorporated area, within the boundaries of the proposed city and within. the five cities exempted from County Ordinance No. 91-66, as amended (the "Exempted Cities"). The City's debt service obligation as to the Stormwater Bonds in each fiscal year of portion thereof following incorporation shall be its pro rata share of such debt service obligation. The proposed city's pro rata share of the debt service obligation accruing on the Stormwater Bonds during each fiscal year while the Stormwater Bonds are outstanding will be equal to that percentage of the total debt service accruing on the Stormwater Bonds in such fiscal year calculated by multiplying such total debt service by a fraction of the numerator of which will be the total amount of Stormwater Utility Fees collected within the boundaries of the unincorporated area comprising the boundaries of the unincorporated proposed city during the fiscal year prior to the incorporation of the proposed city and the denominator of which will be the total amount of Stormwater Utility Fees collected in the entire unincorporated area of the County, within the Exempted Cities and within the municipalities incorporated in the County since July 2, 1996 during the fiscal year prior to the incorporation of the City.

Following the County's reservation of the proposed city's pro rata share of Stormwater Utility Bonds debt service to accrue during any fiscal year, the balance of the Stormwater Utility Fees collected within the boundaries of the proposed city shall be remitted to the proposed city.

Section 3. - Regulatory Control

The local government comprehensive plan adopted by the municipality pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY

WATER AND SEWER DEPARTMENT

Regional Pump Station 28 Regional Pump Station 114 Regional Pump Station 121

Regional Pump Station 27

Regional Pump Station 26

Regional Pump Station 113

PARKS AND RECREATION DEPARTMENT

The Women's Park

LOCATION

800 NW 97 Avenue 680 NW 97 Avenue 10450 Fontainebleau Boulevard 9401 Fontainebleau Boulevard 8901 Fontainebleau Boulevard 290 NW 97 Avenue

Flagler Street and 103 Court The list of facilities may be revised by the BCC from time to time.

Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by Fontainebleau. Additionally, Fontainebleau shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facilities. Jurisdiction over the listed sites for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any Fontainebleau code, or ordinance provision to the contrary.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the proposed municipality of Fontainebleau. The proposed municipality of Fontainebleau shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County in any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any of these facilities of countywide significance. This section shall not apply to a particular site listed above if there has been an official determination by the Board of County Commissioners of Miami-Dade County that a site will no longer be used by Miami-Dade County.

Section 4. - Favored Nation Status

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol and specialized police services, the proposed municipality of Fontainebleau will not be required to receive that particular service from the County.

The provisions of this section, apply only to the service or services modified, and in no way alter the agreement regarding the remaining services.

RESOLUTION APPROVING THE FONTAINEBLEAU AREA MUNICIPAL ADVISORY COMMITTEE REPORT

WHEREAS, the Fontainebleau Area Municipal Advisory Committee (the Committee) was established on June 4, 2002, by the Board of County Commissioners pursuant to Resolution No. R-598-02, and extended by Ordinance No. 03-109.

WHEREAS, the Committee was charged with addressing the incorporation concerns of both the members of the Board of County Commissioners and County staff, and

WHEREAS, the Committee has met with County staff and negotiated mutually agreeable conditions for the incorporation of the Fontainebleau Area, and

WHEREAS, the Committee has conducted three duly advertised public hearings on January 9, 2003, February 20, 2003, and December 18, 2003 to discuss with the Fontainebleau area residents the proposed conditions to incorporate the Fontainebleau area, and

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE FONTAINEBLEAU AREA MUNICIPAL ADVISORY COMMITTEE THAT:

Section 1. The Committee adopts by this resolution the terms and conditions outlined in the Fontainebleau Area Municipal Advisory Committee Report, a copy of which is attached and incorporated herein by reference.

Section 2.	The Fontainebleau Area Municipal Advisory Committee requests that
	the Board of County Commissioners approve a resolution calling for
	an election in the Fontainebleau area based on the terms proposed
	in the attached report.

Section 3. The Committee wants to express its appreciation to County staff for the time and effort during these negotiations.

The foregoing resolution was offered by Roger Lorenzo, who moved its adoption. The motion was seconded by Juan Carlos Nistal and upon being put to a vote, the vote was as follows:

Carlos J. Gaset	yes
Cecilia Urbina Haffle	yes
Roger Lorenzo	1/62
Juan Carlos Nistal	405
Elma Pena	absent
Maria Roca	56sent
Carmen Sanchez	Yes
Donna Skinner	yes_

Roger Lorenzo

Chairperson

Fontainebleau Area Municipal Advisory Committee

TO:

Boundaries Commission Members

DATE:

March 22, 2004

FROM:

Pedro Velar, Assistant Director Incorporation and Annexation SUBJECT:

Addendum to Fontainebleau

Area Proposed Report

Redu Vely

This memo is an addendum to the Fontainebleau Area Proposed Report outlining County staff concerns as it relates to the Fontainebleau MAC pro-forma budget.

Revenues

We believe that some revenues are understated, for example the Building permit revenue amount is stated at \$25,000 which should correspond to the Building expense shown below. Staff cannot determine from the pro-forma budget if revenue and expense amounts correspond to one another. Building revenues can only be used for Building activities.

In general county staff does not have a major concern with the Fontainebleau MAC's budget revenues.

Expenses

City Manager budget cost of \$286,018 seems very inflated. County staff believes this number could easily be cut in half. This would be a very small city in its infancy. A more conservative budget would be appropriate.

City Attorney budget cost also seems inflated. Again, due to the size of the city it doesn't seem appropriate to have such a high attorney figure.

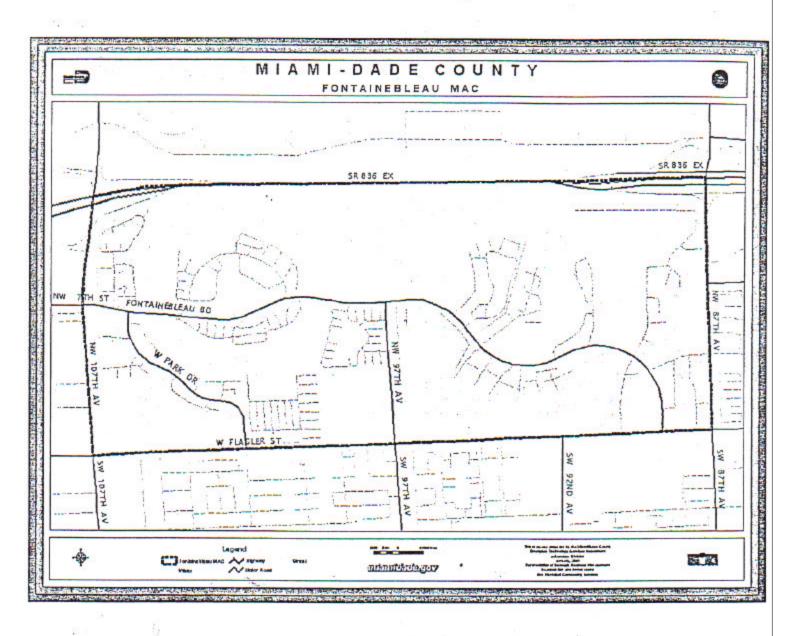
The General Government budget cost is \$710,162. There is no logical breakdown of the functions for this amount of money.

Building, Planning and Zoning total budget cost is \$676,100. As referenced above, Building revenues must be used for Building expenses. With such little land to build on it doesn't seem reasonable that Planning and Zoning would be at such a high cost.

Park Land Acquisitions / Capital Improvements is budgeted at \$300,000. The budget already takes into account a Park and Recreation budget amount of \$200,371. There is only one park in the area that the city would be responsible for operating (Ruben Dario). County staff does not see the need for the additional budget amount. Local Option Gas Tax revenues could be used within the city boundaries to aid with capital improvements.

Comprehensive Plan is budgeted at \$125,000. This is a Planning and Zoning function. The MAC has already budgeted for Planning and Zoning.

cc: Alex Munoz, Assistant County Manager



RESOLUTION OF THE MIAMI-DADE COUNTY BOUNDARIES COMMISSION

ACCEPTING STAFF'S FONTAINEBLEAU INCORPORATION REPORT AND

FORWARDING THE ITEM TO THE PLANNING AND ADVISORY BOARD (PAB).

WHEREAS, the Board of County Commissioners approved Resolution No.598-02 subsequently amended by Ordinance No. 03-109 appointing the Fontainebleau Municipal Advisory Committee to study the feasibility and desirability of incorporating the Fontainebleau Area; and,

WHEREAS, the Fontainebleau Municipal Advisory Committee provided a recommendation; and,

WHEREAS, on September 1, 2004 the Boundaries Commission held an advertised public meeting; and,

NOW, THEREFORE BE IT RESOLVED that the Miami-Dade County Boundaries Commission made its recommendation that the proposed incorporation moves forward to the Planning and Advisory Board with three considerations: 1) careful evaluation of the proposed budget (potential increase of millage rate, 2) explore expanding the MAC boundaries, and 3) analyze community participation in the MAC process

The foregoing resolution was offered by Norman Powell who moved its adoption.

The motion was seconded by Manuel Huerta upon being put to a vote it passed unanimously.

Carlos Batista	Aye	Dr. Shirley West	Aye
Edward McCue	Aye	Manuel Alvarez	Absent
Ian Martinez	Absent	Luis DeRosa	Aye
Manuel Huerta	Aye	Norman Powell	Aye

Attachment A

Municipal Budgets

as Compared to the Fontainebleau Area

-				16		
** Fontainebleau	Miami Springs	Medley	Virginia Gardens	Sweetwater		© Municipality
2.447	8.1436	7.2500	4.8430	3.9487		Millage Rate 2004
\$708,006,051	\$787,951,000	\$1,151,542,000	\$150,562,000	\$319,217,000		2004 Tax Roll
\$6,052,106	\$10,713,824	\$11,243,525	\$1,665,437	\$5,220,152		Fiscal Year 2004- 2005 Budget Amount
\$3,589,574	\$4,302,013	\$2,984,500	\$970,358	\$2,280,099		Police Budget
\$27,822	\$57,410	\$1,019,064	\$64,124	\$22,354		Per Capita Taxable Values
25,448	13,725	1,130	2,348	14,280		Population Square 2003 Mileage
1.72	3.00	5.23	0.29	0.79	権が対象を	Square Mileage

^{**} The 2004 Tax roll amount for Fontainebleau is an estimate only.

different levels of services as voted on by the municipal council for each municipality. Note: The municipal budgets shown in the table above are not meant to be compared to each other because they have

The Proposed City of Fountainebleau

Estimated Personnel Costs 8/27/2003 MAC Requested Police Staffing

Classification	CONTRACTOR SECURIO	MINISTER STREET, STREE	7.7.1
Classification Police Major	#	Avg. Cost	Total \$0
Police Major	0	\$137,649	
Police Captain	0	\$114,119	\$0
Police Lieutenant	1	\$97,210	\$97,210
Police Sergeant	4	\$85,272	\$341,088
Detective Unit Sergeant	1	\$85,472	\$85,472
Police Detective	2	\$68,289	\$136,579
Police Officer	25	\$68,089	\$1,702,236
COPS	0	\$68,089	\$0
SUB-TOTAL SWORN	33 -		\$2,362,584
			02,002,004
Public Service Aide	2	\$46,808	\$93,617
Police Records Specialist	2	\$40,745	\$81,491
Police Crime Analyst Specialist	1	\$50,900	\$50,900
Office Support Specialist	1	\$40,845	\$40,845
Data Entry Specialist	1	\$37,352	\$37,352
Police Station Specialist	0	\$51,499	\$0
Administrative Secretary	0	\$56,389	\$0
Secretary	1	\$44,438	\$44,438
SUB-TOTAL NON-SWORN	8 -		- \$348,642
Vehicles	17349160		
(Marked+ PSA)	31	\$10,790	\$334,490
(Unmarked)	4	\$6,500	\$26,000
Bicycle	0	\$1,200	\$0
	St. De		
SUB-TOTAL VEHICLES	E EME OF		\$360,490
SUB-TOTAL PERSONNEL			\$3,071,716
(Sworn, Non-Sworn, Vehicles)			00,071,110
General Overtime	30	\$4,170	\$125,100
Enhanced Enforcement	1	\$100,000	\$100,000
Emilanced Emorcement		\$100,000	4100,000
SUB-TOTAL			\$225,100
Local Patrol Subtotal w/ Overting	ma / EE		\$2 200 946
+8.88% Overhead	ne / EEI		\$3,296,816 \$292,757
10.00% Overnead			\$£92,151
EST. MIN. PATROL COST			\$3,589,574
			\$0,000,014

^{*} All costs are based on estimated average salaries and include Fringe costs.

The overhead calculation must be updated to correspond to the appropriate 2003/2004 fiscal year. Personnel Cost include fringe, insurance, longevity, and unifrom allowance.

^{*} Personnel costs do not include the 4% COLA effective July 2004,

MIAMI DADE FIRE RESCUE DEPARTMENT Number of Alarms Fontainebleau MAC CY 2001/2002/2003

Service Provided	2001	2002	2003
Number of Alarms			
Life Threatening Emergencies	1636	1621	1479
Non Life Threatening Emergencies	639	651	709
Other Fire	71	46	51
Other Miscellaneous	451	454	664
Structure Fires	30	30	20
Total Alarms	2827	2802	2923
Average Travel Time (Minutes and Seconds)	d Seconds)	A Market See A
Life Threatening Emergencies	05:55	05:46	06:19
Non Life Threatening Emergencies	07:19	07:07	07:31
Other Fire	06:12	06:31	05:26
Other Miscellaneous	07:05	07:00	05:16
Structure Fires	04:19	03:34	04:46